

# EXHIBIT C

**From:** [Dulberg, Andrew S.](#)  
**To:** [McGoey, John](#)  
**Cc:** [Maguire, Bill](#); [Weinstein, Marc A.](#); [Oxford, Neil](#); [Schoenfeld, Alan E](#); [Sharon McCarthy](#); [Lichtenstein, Julia P](#); [Nicholas Bahnsen](#); [Caroline Ciraolo](#)  
**Subject:** RE: SKAT Discovery  
**Date:** Friday, May 28, 2021 10:30:06 AM

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Counsel,

Our responses to your email below follow.

1. In response to SKAT's document requests, Defendants have not produced documents relating to transactions involving Ezra Academy of Queens, the Broadgate Fund, and Duet Asset Management. None of those transactions involve Danish securities. They are not responsive to SKAT's requests (subject to Defendants' objections), and Defendants do not intend to produce them.
2. We have produced more than 600 TIC forms. If you believe any such forms are "missing" from our production, please identify them.
3. We have identified two additional FBAR forms for the period 2012-2016 that we did not previously produce. We will produce them before the close of fact discovery.
4. Our production of documents in support of our advice of counsel defense is not incomplete. Consistent with applicable law, we produced all documents reflecting facts provided to counsel for the purpose of rendering legal advice related to dividend arbitrage trading, and all documents reflecting advice rendered by counsel. Draft memoranda not shared with defendants are not relevant to the defense. Similarly, internal Kaye Scholer emails that do not reflect information provided by the clients or advice rendered by counsel also are not relevant to the defense. To the extent Kaye Scholer provided our clients with emails or memoranda addressing questions posed by our clients (within the scope of the waiver), we produced them.

Regards,

Drew

**Andrew S. Dulberg | WilmerHale**

60 State Street

Boston, MA 02109 USA

+1 617 526 6352 (t)

+1 617 526 5000 (f)

[andrew.dulberg@wilmerhale.com](mailto:andrew.dulberg@wilmerhale.com)

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**From:** McGoeey, John <john.mcgoey@hugheshubbard.com>

**Sent:** Thursday, May 20, 2021 3:07 PM

**To:** Sharon McCarthy <smccarthy@kflaw.com>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com>; Caroline Ciraolo <cciraolo@kflaw.com>; Nicholas Bahnsen <nbahnsen@kflaw.com>; Pilcer, Julia C <Julia.Pilcer@wilmerhale.com>; Dulberg, Andrew S. <Andrew.Dulberg@wilmerhale.com>

**Cc:** Maguire, Bill <bill.maguire@hugheshubbard.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>

**Subject:** SKAT Discovery

**EXTERNAL SENDER**

Dear counsel,

We write to follow up regarding a number of documents missing from your clients' productions. While your clients have produced some documents related to some the following categories, these productions appear incomplete. Each of these categories of documents is relevant to the case and responsive to SKAT's documents requests:

1. Documents related to transactions involving Ezra Academy, the Broadgate Fund, and Duet Asset Management. (We understand that some of these documents predate the period of our requests, but they have been the subject of testimony by witnesses and are within the period that the Court has held relevant with respect to other specific discovery issues.)
2. All Treasury International Capital System (TIC) forms for all plans for calendar years 2012 through 2015.
3. All Reports of Foreign Bank & Financial Accounts (FBAR) for all plans for calendar years 2012 through 2016

In addition, in support of their advice-of-counsel defense, your clients have waived attorney-client privilege and produced correspondence between your clients and Kaye Scholer LLP. These productions also appear incomplete.

First, the productions lack drafts of the various memoranda prepared by Kaye Scholer for your clients.

Second, your clients' productions to date include very few internal communications among Kaye Scholer attorneys or employees. Given the amount of work the firm was performing for your clients, we would expect a much higher volume of internal correspondence.

Third, your clients have produced

[REDACTED]

[REDACTED]

[REDACTED]

John

**John McGoey** | Counsel

**Hughes Hubbard & Reed LLP**

One Battery Park Plaza, 16th floor | New York | NY 10004-1482

Office [+1 \(212\) 837-6776](tel:+12128376776) | Cell [+1 \(917\) 714-4796](tel:+19177144796) | Fax [+1 \(212\) 299-6776](tel:+12122996776)

[john.mcgoey@hugheshubbard.com](mailto:john.mcgoey@hugheshubbard.com) | [bio](#)

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